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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,603

Applicant(s)

ZHOU, GUOJUN

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/14/05 have been fully considered but they are not persuasive.

With respect to independent claims 1, 6, 9, 12, 15, 18, 24 and 28 rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al (6,177,931)**, applicant discusses the teachings of Alexander and argues that "the cited reference fails to describe 'access to television programming to enable a customer of a broker to create a custom channel'" and further argues that 'channel guide, e.g. CBS [8]' (office action, page 2, section 2), as described in Alexander and shown in the references figs., is a listing of suggested viewing created by an "EPG and Profile Program" (col. 30, line 47) on a computer at the head end (col. 29, line 20), 'deduced from' (col. 7, line 15) 'simple statistics collected about a particular viewer' (col. 30, line 48); it is not a 'custom channel' created by a customer of a broker. Because the customized channel guide in Alexander is created by a computer at the headend, not by 'the customer' and because a 'channel guide' is a listing of suggested programs, not a 'custom channel' of selected programs, the references fails to describe applicant's claim 1.

In response, Examiner completely disagrees. As clearly stated by applicant the claimed requires "providing access to television programming to enable a customer of a broker to create custom channel including at least one television program selected from the television programming, and transmit the custom channel from the broker to the customer." In other words providing an EPG and programs to enable a customer, user,

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viewer of a broker or head end to create a custom channel, which includes one or more listings, and transmit the custom channel from the head end to the user. Alexander teaches transmitting EPG and programs to a user, retrieving a viewer's profile and creating a custom channel, which includes listings of programs. If a viewer only watches CBS or ESPN channel, the view receives only either CBS or ESPN as clearly discussed in the office action. Furthermore in col. 24, line 36-40 and col. 7, lines 13-18, Alexander clearly states "a broadcaster sends an on-screen query to each viewer to enter if the viewer wants the broadcaster's channel to be the first watched channel when the viewer first turns on the television. Furthermore the function of applicant's claimed "broker" as disclosed in the specification and figs 2+ of drawings is a server receiving data from various content providers and providing television programming to customers.

Alexander's head end or broadcaster receives various content from various content providers on the various networks and customizes channels to users, hence applicant's arguments of a computer at the head end creating the customized channel guide is irrelevant, since the computer or server at the head end performs identical function as the applicant's claimed "broker." Hence the Examiner maintains the rejections of independent claims 1, 6, 9, 12, 15, 18, 24 and 28 and their dependent claims is proper, maintained and repeated below, as Alexander meets all the claimed limitations.

With respect to claims 13-14 and 22 rejected under 35 U.S.C. 103 as being unpatentable over **Alexander et al (6,177,931)** in view of **Chen et al (5,917,830)**, applicant argues that the references, either combined or alone, fail to teach custom channel.

In response, Examiner disagrees and maintains the combination of Alexander in view of Chen is in the same field of endeavor, is proper, maintained and repeated below as Alexander in view of Chen meet all the claimed limitations of claims 13-14 and 22. This office action is made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 15-21 and 23-30, are rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al. (6,177,931)**.

As to claim 1, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose method for providing television programming, comprising:

the claimed “providing access to television programming to enable a customer of a broker to create a custom channel...” is met by Head end (figs 6-9, col. 7, lines 10-26, col. 10, lines 43-60 and col. 30, line 45-col. 31, line 8), which acts as an intermediary

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agent, server or "broker," interfaces with Internet/World Wide Web (col. 13, lines 37-45), EPG provides and Advertisers, monitors and stores viewer's preferences or profile data (col. 28, lines 10-21 and line 60-col. 29, line 1+), to create a channel guide, e.g. CBS [8] "custom channel" (fig. 6), including STAR TREK "at least one television program" selected from the television programming, in which the viewer can activate "access" and tune to the program; and the Head end transmits the Channel Guide to the viewer (col. 31, lines 25-41, line 48-63), note that Head end includes a computer which stores viewer preferences or profile data and searches an internal database or external database(s) such as, EPG Internet/WWW Server, ESPN, etc., to retrieve the customized Channel Guide data, base on the viewer's preferences or profile data (col. 18, lines 1-12, lines 33-67, col. 19, lines 38-45; furthermore the viewer can instruct the EPG to automatically tune to viewer's favorite channel (fig. 6, col. 6, line 65-col. 7, line 17, col. 8, lines 19-35, lines 43-64 and col. 24, lines 31-40)

As to claim 2, Alexander further discloses simultaneously transmitting to the viewer the custom channel and at least one other custom channel (col. 7, 10-30, lines 47-56, and col. 10, lines 43-60 and col. 20, line 60-col. 21, line 10), note that viewer's favorite channels are simultaneously transmitted and enables the viewer to scroll up and down the favorite channels, which includes at least a selected television program from the Watch List.

As to claim 3, Alexander further discloses pre-recording a television program and transmitting to the viewer a custom channel including the pre-recorded television program (col. 7, lines 10-26, col. 9, line 65-col. 10, line 22).

As to claim 4, Alexander further discloses providing at least PIN or other identification "one access code" to the viewer, the access code enabling the viewer to access the television (col. 28, lines 22-29).

As to claim 5, Alexander further disclose assigning an access level, controlled by a parent, to at least one access code, the access level identifying at least one category of the television programming the viewer is prohibited from accessing (col. 17, lines 13-36 and col. 23, lines 12-19).

As to claim 6, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose method for providing television programming, comprising:

the claimed "providing a program guide including a listing of television programming by a broker from at least one provider;" and "providing access to the program guide to enable a customer of a broker to select at least one television program..." is met by Head end (figs 6-9, col. 7, lines 10-26, col. 10, lines 43-60 and col. 30, line 45-col. 31, line 8) which acts as an intermediary agent, server or "broker," interfaces with Internet/World Wide Web (col. 13, lines 37-45), EPG providers and Advertisers, "at least one provider," monitors and stores viewer's preferences or profile data (col. 28, lines 10-21 and line 60-col. 29, line 1+), to provide a channel guide, e.g. CBS [8] "custom channel" (fig. 6), including WALKER, TEXAS RANGER, STAR TREK, etc., "a listing of television programming" received by Head end "broker" from EPG providers, Advertisers, etc., and displays "providing access..." on a viewer display

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device (figs 6-9) a listing of the program guide to enable the viewer to activate "access" and tune to the program and adds the selected television program to the channel guide or Watch List (col. 8, lines 5-17 and col. 9, line 64-col. 10, line 22); and transmits the Channel Guide from the Head end to the viewer (col. 31, lines 25-41, line 48-63), note that Head end includes a computer which stores viewer preferences or profile data and searches an internal database or external database(s) such as, EPG Internet/WWW Server, ESPN, etc., to retrieve the customized Channel Guide data, base on the viewer's preferences or profile data (col. 18, lines 1-12, lines 33-67, col. 19, lines 38-45; furthermore the viewer can instruct the EPG to automatically tune to viewer's favorite channel (fig. 6, col. 6, line 65-col. 7, line 17, col. 8, lines 19-35, lines 43-64 and col. 24, lines 31-40).

Claim 7 is met as previously discussed with respect to claim 3.

Claim 8 is met as previously discussed with respect to claims 4 and 5.

As to claim 9, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose method for providing television programming, comprising:

the claimed "providing a program guide including a listing of television programming available a provider;" and "providing access to the program guide to enable a customer of a broker to select at least one television program..." is met by Head end (figs 6-9, col. 7, lines 10-26, col. 10, lines 43-60 and col. 30, line 45-col. 31, line 8) which acts as an intermediary agent, server or "broker," interfaces with

Internet/World Wide Web (col. 13, lines 37-45), EPG providers and Advertisers, "at least one provider," monitors and stores viewer's preferences or profile data (col. 28, lines 10-21 and line 60-col. 29, line 1+), generates a Channel Guide, identifying e.g., CBS [8] "custom channel" (fig. 6), including WALKER, TEXAS RANGER, STAR TREK, etc., "at least one television program..." received by Head end from EPG providers, Advertisers, etc., and displays "providing access..." on a viewer display device (figs 6-9), a listing of the program guide to enable the viewer to activate "access" and tune to the program (col. 8, lines 5-17 and col. 9, line 64-col. 10, line 22); and sends the Channel Guide from the Head end to the viewer (col. 31, lines 25-41 and line 48-63), note that Head end includes a computer which stores viewer preferences or profile data and searches an internal database or external database(s) such as, EPG Internet/WWW Server, ESPN, etc., to retrieve the customized Channel Guide data, base on the viewer's preferences or profile data (col. 18, lines 1-12, lines 33-67, col. 19, lines 38-45; furthermore the viewer can instruct the EPG to automatically tune to viewer's favorite channel (fig. 6, col. 6, line 65-col. 7, line 17, col. 8, lines 19-35, lines 43-64 and col. 24, lines 31-40).

As to claim 10, Alexander further discloses sending the custom channel data to one of a cable television provider and a direct-to-home satellite provider (col. 8, lines 22-64, col. 18, lines 1-32 and col. 28, lines 21-21).

Claim 11 is met as previously discussed with respect to claims 4 and 5.

As to claim 12, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG)

presentation and further disclose method for providing television programming, comprising:

the claimed "receiving from a broker custom channel data associated with a customer..." is met by EPG provider(s) (figs 6-9, col. 7, lines 10-26, col. 10, lines 43-60 and col. 30, line 45-col. 31, line 8), note that EPG provider(s) receives from television Head end "broker" or an intermediary agent or server, a Channel Guide data, such as CBS [8] (fig. 6) "custom channel" data associated with a viewer "customer," the Channel Guide data identifying selected television programming, such as WALKER, TEXAS RANGER, STAR TREK, etc., "a listing of television programming," of CBS [8]; note that Head end, monitors and stores viewer's preferences or profile data (col. 28, lines 10-21 and line 60-col. 29, line 1+), and searches its EPG database to provide a customized channel guide, based on the viewer's preferences or profile data and if the Head end can not meet the viewer's request, searches other external EPG databases, such as, ESPN TV, EPG Internet/WWW Server, etc., providers to retrieve the requested channel guide data; and transmits the channel guide data to the viewer's display device (figs 6-9) to enable the viewer to activate "access" and tune to the program (col. 8, lines 5-17 and col. 9, line 64-col. 10, line 22).

As to claim 15, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose method of creating a custom channel, comprising:

the claimed "selecting at least one television program from a listing of available television programming;" selecting a time for viewing the at least one selected television

program;" and adding the at least one selected television program and the selected time to a custom channel," are met by Processor of Television Receiver (TVR) 10 (figs. 1, 2, col. 3, lines 1-20, col. 4, lines 43-col. 5, line 4 and lines 20-36), which receives a viewer's selection of a program title, such as STAR TREK, "at least one television program" from WALKER, TEXAS RANGER, STAR TREK, etc., "a listing of television available programming," on CBS [8], via Remote Controller 26; and selecting of a time for viewing the selected program title (figs 6-9, col. 7, lines 10-26, col. 9, line 64-col. 10, line 22, lines 43-60 and col. 30, line 45-col. 31, line 8) and adds the selected program title and the selected time to build a Watch list "a custom channel," note that a Watch Function automatically turns the television ON even if the viewer has forgotten about the scheduled delivery (col. 10, lines 2-12).

As to claim 16, Alexander further discloses where the viewer selects from the listing of available television programming a second television program, selecting a second time for viewing the second television program, the second time delayed relative to a scheduled broadcast time for the second television program, and adding the second television program and the second time to the custom channel (col. 9, line 65-col. 10, line 22 and lines 43-60).

As to claim 17, Alexander further discloses where selecting from the listing of available television programming a second television program, selecting a second time for viewing the second television program at least partially coinciding with the selected time for viewing the at least one selected television program, and adding the second

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television program and the second time to another custom channel (col. 9, line 65-col. 10, line 22 and lines 43-60).

As to claim 18, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose system for providing television programming, comprising:

the claimed "a receiver to receive television programming from at least one provider," is met by Television Head end (figs 6-9, col. 7, lines 10-26 and col. 10, lines 43-60, col. 30, line 45-col. 31, line 8) which acts as an intermediary agent, server or "broker," which interfaces with Internet/World Wide Web (col. 13, lines 37-45), EPG providers and Advertisers, "at least one provider" to receive television programming;

the claimed "a customer interface providing access to the television programming..." is met by Television Receiver (TVR) 10 (figs. 1, 2, col. 3, lines 1-20, col. 4, lines 43-col. 5, line 4 and lines 20-36), which includes a display, receives a viewer "customer" selection of a television program via Remote Controller 26, monitors, stores and transmits viewer's preferences or profile data (col. 28, lines 10-21, line 60-col. 29, line 1+) to Head end to enable creating of a channel guide, such as CBS [8] "custom channel" (fig. 6), including WALKER, TEXAS RANGER, STAR TREK, etc., "a listing of television programming" received at Head end via EPG providers, Advertisers, etc.; where "a transmitter" coupled to the receiver at the Head end, transmits the Channel Guide from the Head end to the viewer's display device (col. 31, lines 25-41, line 48-63); note that Head end includes a computer which stores viewer preferences or

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profile data and searches an internal database or external database(s) such as, EPG Internet/WWW Server, ESPN, etc., to retrieve the customized Channel Guide data, base on the viewer's preferences or profile data (col. 18, lines 1-12, lines 33-67, col. 19, lines 38-45; furthermore the viewer can instruct the EPG to automatically tune to viewer's favorite channel (fig. 6, col. 6, line 65-col. 7, line 17, col. 8, lines 19-35, lines 43-64 and col. 24, lines 31-40)

As to claim 19, Alexander further discloses a database memory to store custom channel data identifying television programs comprising the custom channel.

As to claim 20, Alexander further discloses where the viewer interface includes one of an EPG, natural language EPG and a web-based EPG (col. 8, lines 19-64 and col. 28, line 60-col. 29, line 21).

As to claim 21, Alexander further discloses recordable digital video Discs (DVD's) "video storage medium" couple to the receiver to receive and store television programming (col. 12, lines 10-29).

As to claim 23, Alexander further disclose an access circuitry inherent to Head end for receiving and verifying a viewer access code (col. 28, lines 22-29).

As to claim 24, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose system for providing television programming, comprising:

the claimed "a customer interface providing access to a listing of television programming available from a provider..." is met by Television Head end (figs 6-9, col.

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7, lines 10-26, col. 10, lines 43-60 and col. 30, line 45-col. 31, line 8) which acts as an intermediary agent, server or "broker," interfaces with Internet/World Wide Web (col. 13, lines 37-45), EPG providers and Advertisers, "at least one provider," monitors and stores viewer's preferences or profile data (col. 28, lines 10-21 and line 60-col. 29, line 1+), generates a Channel Guide, identifying e.g., CBS [8] "custom channel" (fig. 6), including WALKER, TEXAS RANGER, STAR TREK, etc., "at least one television program..." received by Head end from EPG providers, Advertisers, etc., and displays "providing access..." on a viewer display device (figs 6-9), a listing of the program guide to enable the viewer to activate "access" and tune to the program (col. 8, lines 5-17 and col. 9, line 64-col. 10, line 22);

the claimed "a controller to generate custom channel data identifying the at least one selected television program..." is met by a computer at Head end (col. 29, lines 12-55), which searches to generate a Channel Guide "custom channel" data identifying the program title selected from the television program titles and sends the Channel Guide data from Head end to the provider (col. 31, lines 25-41 and line 48-63), note that Head end includes a computer which stores viewer preferences or profile data and searches an internal database or external database(s) such as, EPG Internet/WWW Server, ESPN, etc., to retrieve the customized Channel Guide data, base on the viewer's preferences or profile data (col. 18, lines 1-12, lines 33-67, col. 19, lines 38-45; furthermore the viewer can instruct the EPG to automatically tune to viewer's favorite channel (fig. 6, col. 6, line 65-col. 7, line 17, col. 8, lines 19-35, lines 43-64 and col. 24, lines 31-40).

Claim 25 is met as previously discussed with respect to claim 21.

Claim 26 is met as previously discussed with respect to claim 20.

Claim 27 is met as previously discussed with respect to claim 23.

As to claim 28, note the **Alexander et al.** figures 6-9, disclose utilization of viewer profile information to provide customized Electronic Programming Guide (EPG) presentation and further disclose an article of manufacture, comprising: the claimed "a machine accessible medium..." contains the same structural elements of the method steps of claim 6, previously discussed above.

Claim 29 is met as previously discussed with respect to claim 2.

Claim 30 is met as previously discussed with respect to claim 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-14 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** as applied to 12 and 18 above, and in view of **Chen et al (5,917,830)**.

As to claim 13, Alexander further teaches displaying to the viewer a toll-free number and encouraging viewers to call for the purpose of reading on-screen encrypted

number for individual survey (col. 29, lines 1-11), but fails to explicitly teach encrypting at least one custom channel.

However, note the **Chen** reference figure 2, disclose a cable system head end 140 that receives encrypted channels and further includes Transcoder 260 for encryption/modulation 260 from one or more service provides and transmits to subscribers homes (figs. 2, col. 5, lines 19-48).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Chen into the system of Alexander to enhanced channel security.

Claim 14 is met as previously discussed with respect to claims 4 and 5.

Claim 22 is met as previously discussed with respect to claim 13.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



Annan Q. Shang.



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600